



# Katten

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September 5, 2007

## Via Facsimile

Honorable Robert P. Patterson  
United States District Court  
Southern District of New York  
U.S. Courthouse  
500 Pearl Street, Room 2550  
New York, New York 10017-1316

# MEMO ENDORSED

Re: Hudson Realty Capital Fund III, LP et al. v. Millenia Luxury  
Condominiums (Florida) LLC, et al., 07 CV 3614 (RPP)

Dear Judge Patterson:

We represent Plaintiffs Hudson Realty Capital Fund III LP, HRC Fund III Pooling Domestic, LLC and HRC Fund III Pooling REIT, LLC ("Plaintiffs") in the above-referenced matter.

Plaintiffs respectfully request an extension of time to respond to Defendants' Motion to Dismiss the Complaint, or in the Alternative, to Transfer Venue, dated May 11, 2007 ("Defendants' Motion"). Absent an extension, Plaintiffs would be required to serve, *inter alia*, any opposing papers to Defendants' Motion by September 7, 2007. Pending the Court's approval, Defendants' counsel has consented to an extension of Plaintiffs' time to respond to Defendants' Motion until November 9, 2007. Three prior requests for an extension have been made by the undersigned on May 25, June 28, and July 26, 2007, all of which have been granted by the Court.

Plaintiffs seek the instant adjournment and Defendants have consented to the same because the parties herein also are parties to an action presently pending in the United States District Court, Southern District of Florida (Miami Division), entitled *Millenia Luxury Condominiums (Florida) LLC, et. al. v. Hudson Realty Capital Fund III LP, et. al.*, No. 07-20332-CIV- Graham/O'Sullivan (S.D. Fla.) (the "Florida Federal Action"). A mediation is scheduled in the Florida Federal Action for October 22, 2007, which, if successful, would obviate the need for motion practice and could result in the discontinuance of the instant action. Thus, the instant adjournment is sought in the interests of litigation efficiency and judicial economy.

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Accordingly, Plaintiffs respectfully request that the Court approve the extension.

Respectfully submitted,



Michael S. Gordon

MSG:dmp

cc: Charles M. Tatelbaum, Esq. (Defendants' counsel) (via facsimile)  
Stephen C. Hunt, Esq. (Defendants' counsel) (via facsimile)

*Application denied*  
*Robert P. Patterson*  
*USD*  
*9/5/07*